COURT ORDER NO. 2011- 315 -05-16

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
APRIL 25, 2011

On Monday, April 25, 2011, the Commissioners' Court of Collin County, Texas, met in Regular Session in the Commissioners' Courtroom, Jack Hatchell Collin County Administration Building, 4th Floor, 2300 Bloomdale Road, City of McKinney, Texas, with the following members present, and participating, to wit:

Present: Judge Keith Self
Precinct 1 Commissioner Matt Shaheen
Precinct 2 Commissioner Cheryl Williams
Precinct 3 Commissioner Joe Jaynes
Precinct 4 Commissioner Duncan Webb

Commissioner Webb led the Invocation.
Judge Self led the Pledge of Allegiance.
Commissioner Shaheen led the Pledge of Allegiance to the Texas Flag.

1. Judge Self called to order the meeting of the **Collin County Commissioners' Court** at 1:30 p.m. and recessed into the **Collin County Health Care Foundation**.

President Self called to order the meeting of the **Collin County Health Care Foundation** at 1:32 p.m. and adjourned the meeting at 1:32 p.m.

President Self called to order the meeting of the **Collin County Toll Road Authority** at 1:32 p.m. and adjourned the meeting at 1:32 p.m.

Judge Self reconvened the meeting of the **Collin County Commissioners' Court** at 1:32 p.m. and adjourned the meeting at 2:04 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-33541 Personnel Appointments, Human Resources.

2. AI-33471 Budget amendment in the amount of $2,870 to move existing budgeted funds from the Out of County Sex Offender line item to the Juvenile Probation department to purchase an ice machine, Auditor.

FYI NOTIFICATION

1. **AI-33491** Budget amendment in the amount of $58,476 to establish the budget for the FY2011 Title IV-E Legal Services grant funds, Auditor.

2. Public Comments.

3. Presentation/Recognition.

4. Consent agenda to approve: Judge Self asked for comments on the consent agenda. Commissioner Webb pulled items 4c1 and 4g1a for discussion and Judge Self pulled item 4f1. Commissioner Webb made a motion to approve the remainder of the consent agent. (Time: 1:32 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

a. **AI-33525** Disbursements for the period ending April 19, 2011, Auditor.
COURT ORDER NO. 2011-258-04-25

b. **AI-33511** Tax refunds totaling $1,111,210.37, Tax Assessor Collector.
COURT ORDER NO. 2011-259-04-25

c. Award(s):

1. **AI-33521** Maintenance, UPS Repair & Parts Replacement (IFB No. 02119-11) to Critical Systems Services, Inc., Facilities.

Commissioner Webb pulled this item because of the differential in the bids. From low bid to high bid the price doubled. His concern was that we're not bidding apples to apples or that we have a vendor we should be leery of. He asked Frank Ybarbo, Purchasing Agent, if they looked at this bid closely. Mr. Ybarbo said it's not uncommon for a vendor who is currently handling our products to bid at a lower cost because they have a little bit of insight into our purchasing practices. Following Mr. Ybarbo's confirmation that he is satisfied with the bid, Commissioner Webb made a motion to approve. (Time: 1:34 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Joe Jaynes
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-260-04-25

d. Agreement(s):

1. AI-33517 Interlocal Agreement with the City of Celina for Right-of-Way participation on SH 289 from North of FM 455 to North of Business SH 289 - Bond Project No. 07-00-09 (TxDOT ROW CSJ # 0091-03-023), budget amendment in the amount of $160,000 and further authorize the County Judge to finalize and execute same, Engineering.

COURT ORDER NO. 2011-261-04-25

e. Change Order(s):

1. AI-33515 No. 2 to Supplies: Jail and Personal Inmate (IFB No. 03447-09) with Uniforms Manufacturing to provide various changes to the contract and further authorize the Purchasing Agent to finalize and execute same, Sheriff.

COURT ORDER NO. 2011-262-04-25

2. AI-33512 No. 9 to Supplies, Jail and Personal Inmate (IFB No. 03447-09) with Bob Barker Company, Inc. to add various items to the contract and further authorize the Purchasing Agent to finalize and execute same, Sheriff.

COURT ORDER NO. 2011-263-04-25

3. AI-33497 No. 9 to Construction: Collin County Courthouse Addition (IFB No. 11067-10) with Turner Construction Company for A/V Upgrades and further authorize the Purchasing Agent to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2011-264-04-25

f. Budget adjustment(s)/amendment(s):

1. AI-33509 $2,036 to establish a budget utilizing the Justice Court Technology funds to purchase one (1) laptop, Justice of the Peace, Precinct 2.

Judge Self said this is the second week in a row that we've had a request for a laptop from a JP. He wanted to know if this is a trend the court needed to address. Caren Skipworth, I.T., came forward. She said the JP's have been using their technology funds to purchase laptops for use with testing the Odyssey applications after hours and on weekends. Most of the JP's have desktops within their departments so this will be a laptop that is issued for after hours work or travel purposes. The requests are coming in individually rather than all together, but not all the JP's are requesting laptops.

Judge Self asked if it would it help on pricing if we ordered for all the JP's at one time. Ms. Skipworth replied no because the standard pricing is already set. Judge Self made a motion to approve. (Time: 1:35 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Joe Jaynes
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-265-04-25

g. Receive and File, Auditor:

1. Final Audit Result(s):

a. AI-33529 District Clerk (1st, 2nd & 3rd Quarter FY2010).

Commissioner Webb said he was discouraged to read this audit report for the first and third quarters of 2010. It suggests there are problems in the District Clerk's office. They can't get their bank reconciliations to balance. They say "we're close", and Commissioner Webb said that bothered him. They're out of balance by over $426,000 for failing to properly report things. Commissioner Webb addressed Jeff May, County Auditor. He stated someone needs to work with the District Clerk's office or needs to get the message across to them that he is not going to accept shoddy results and end up with the county paying for them not properly accounting and charging the right fees. He said he will hold them accountable for the loss of revenue that the county sustains as a result of not charging the proper amounts. The Commissioner stated he took offense to some of the responses in the audit report.

Commissioner Shaheen said in reference to the $426,000, the comments said this was fixed in January 2011, it is not balanced like a checkbook, but is a lot closer to the true numbers. He asked what is closer to the true numbers. Commissioner Williams asked if someone was present from the District Clerk's office. There was no response. Mr. May said they are working on getting this cleaned up. A lot of this was as a result of the Odyssey conversion. He said we're getting closer to getting that worked out. Commissioner Shaheen said either the application is not working properly or we have a process issue. Mr. May said it is kind of a combination of the two. The system was not designed to be a financial system and a lot of modifications were required. Mr. May then gave examples of Odyssey issues that are being worked on.

Mr. May said one of the findings in the audit report was fees not being charged correctly which is a process issue. The District Clerk was charging felony fees when a case was dropped from a felony to a misdemeanor. The Auditor said that is a system implementation issue; it's a very manual process to convert the felony fees to misdemeanor fees. Commissioner Williams said there were issues with them not charging indigent fees and not charging drug court fees.

Mr. Mays said that is unrelated to Odyssey. Commissioner Williams said one of her primary concerns was that we should be collecting all fees from all cases correctly. She asked if the outstanding issues from 2010 would be related to Odyssey. Mr. May said a lot of them are. Commissioner Jaynes asked if the $426,000 was missing. Mr. May replied no; it was reflected incorrectly in the system.

Commissioner Jaynes suggested that this item be put on the agenda for next week and he wanted to have someone from the District Clerk's office present in court to explain what is going on. Judge Self agreed. Odyssey does not explain all of this. Judge Self said let's hold the audit and ask the District Clerk to come in next week.

Commissioner Webb asked when the fourth quarter audit would be available. Shela Vinson, Auditor's Office, came forward. She said the fourth quarter audit report would be coming to court during the month of May. Commissioner Webb asked to hold this audit report until the court sees the results of the fourth quarter audit. Judge Self addressed Caren Skipworth, I.T., and said once you change from a felony to a misdemeanor in Odyssey it should be a simple matter. Ms. Skipworth said I.T. can look at these specific incidences. She said a former District Clerk employee is now working for I.T.; she had been able to balance the books and she can help them if they're willing to take the assistance. Judge Self asked Ms. Skipworth to make the offer to the District Clerk. Commissioner Jaynes said he wanted to say kudos to Constable Precinct 2, Elections and SCORE for having very good audits. Commissioner Williams asked for clarification on drug court fees. (Time: 1:45 p.m.)

HELD

b. AI-33531 Constable, Precinct 2 (4th Quarter FY2010).

COURT ORDER NO. 2011-266-04-25

c. AI-33527 Elections (4th Quarter FY2010).

COURT ORDER NO. 2011-267-04-25

d. AI-33528 SCORE (Sheriff's Convicted Offender RE-Entry Effort) Program FY2010.

COURT ORDER NO. 2011-268-04-25

h. Filing of the Minute(s), County Clerk:

1. AI-33513 April 4, 2011.

COURT ORDER NO. 2011-269-04-25

i. Miscellaneous

1. AI-33536 Resolution supporting a change in the makeup of the North Central Texas Council of Governments (NCTCOG) executive board, County Judge.

COURT ORDER NO. 2011-270-04-25

2. AI-33542 Personnel Appointments, Human Resources.

COURT ORDER NO. 2011-271-04-25

3. AI-33477 Personnel Changes, Human Resources.

COURT ORDER NO. 2011-272-04-25

GENERAL DISCUSSION

5. AI-33554 Update regarding the NTTA local review, County Judge.

Judge Self presented an update for court members. He said the county judges have met twice and staff has met with them. He believes they have settled on the final Request for Quote which is supposed to be posted today. Judge Self said when he receives the final RFQ, he will get that to the Commissioners to review. The Judge said the issue is in Austin; he's not sure if a lot of those bills will be dropped, but for the time being we're proceeding with our local review. Commissioner Shaheen asked about an item under transparency regarding the diverse composition of the NTTA Board. He asked if that would remain. Judge Self said it is remaining, although he added our Commissioners' Court was not putting that in our resolution. Commissioner Jaynes asked for timing on the RFQ. Judge Self said a member will be selected by June 3rd. (Time: 1:48 p.m.)

NO ACTION TAKEN

6. AI-33556 Scope of Brokerage Services, County Judge.

Judge Self said Item 6 would be pulled. (Time: 1:48 p.m.)

HELD

7. AI-33537 Board/Committee Appointments, Commissioners Court.

Commissioner Shaheen appointed Jane Huddleston to the Historical Commission and re-appointed Dona Watson to the LifePath Board. (Time: 1:48 p.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Joe Jaynes
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-273-04-25

8. Potential 82nd Legislative items, Commissioners Court:

Judge Self asked for updates on legislation. Bill Bilyeu, County Administrator, came forward with an update. He stated he pulled legislature up online to see where our bills are sitting. Number three, which is HB 655, SB 420, has passed the Senate and has passed out of committee on the House side and has been sent to Calendar. Mr. Bilyeu said there is a good opportunity that it will pass. Number 9, which has to do with the electronic delivery of court documents, has passed out of the House and has been referred down to the Senate Jurisprudence Committee. The remainder of the legislative items are pending in a House committee or a Senate committee. Nothing else has passed out of chamber at this point.

Commissioner Jaynes asked if the 4a and 4b groups are doing anything about HB 3215. Mr. Bilyeu said it's been referred to a committee but it has not had a hearing. (Time: 1:50 p.m.)

NO ACTION TAKEN

a. AI-31816 Discussion and any action of legislative priorities

9. Possible future agenda items by Commissioners Court without discussion.

Judge Self asked for future agenda items. The Judge said once we get the right recommendations, we will be having an annual burn ban discussion and the discussion of brokerage services has been moved to next week. (Time: 1:50 p.m.)

EXECUTIVE SESSION

Real Estate (551.072)

AI-33510 Condemnation proceedings to acquire right-of-way to upgrade County Road 408 from Bomars Branch East to FM 75, Special Projects.

Judge Self recessed the Court into Executive Session under Section 551.072 of the Local Government Code, Real Estate, at 1:50 p.m.

Judge Self reconvened the meeting at 2:03 p.m. and asked for a motion on the condemnation proceedings. Commissioner Webb made a motion to approve. Commissioner Jaynes was not present for the vote. (Time: 2:04 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Cheryl Williams
Vote: 4 - 0 Passed

COURT ORDER NO. 2011-274-04-25

There being no further business of the Court, Judge Self adjourned the meeting at 2:04 p.m.

Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4

ATTEST:

Stacey Kemp, Ex-Officio Clerk
Commissioners Court
Collin County, T E X A S